

Seipler v. Cundiff, et al.
Case No. 08 CV 50257

Exhibit E

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

ZANE SEIPLER,)
)
Plaintiff,)
)
vs.) No. 08 C 50257
)
CAPTAIN ANTON CUNDIFF,)
et al.,)
)
Defendants.)

The deposition of ZANE SEIPLER, called

for examination, taken pursuant to the Federal

Rules of Civil Procedure of the United States

District Courts pertaining to the taking of

depositions, taken before RELEY H. BRICHERITO, CSR

No. 84-3252, a Notary Public and Certified

Shorthand Reporter of the State of Illinois, taken

at Suite 150 550 East Devon Tlaxcala Tlili

the 24th day of February, 2010, at 10:00 a.m.

1 A. Yes.

2 Q. Where was it that the conversation
3 occurred?

4 A. Outside the roll call room near the
5 computers.

6 Q. Where were you located when you heard
7 the conversation?

8 A. Inside the roll call room.

9 Q. How many feet away from Deputies Cosman
10 and Stevens were you at the time you heard the
11 conversation?

12 A. Six to eight.

13 Q. What were you doing in the roll call
14 room at the time?

15 A. Preparing for my shift, waiting
16 basically.

17 Q. All right. Tell me what you recall
18 about the conversation that you heard between
19 Deputy Cosman and Deputy Stevens.

20 A. They were talking about someone who had
21 just been arrested or interviewed or was in contact
22 with them. Stevens was the, initiated the
23 conversation. Cosman was just talking. He said
24 something to the effect that he knew this girl.

1 Stevens made a comment about how she, she's a pain,
2 you know, numerous contacts with the police, and
3 Cosman said something about or maybe Stevens said
4 something about the way she was talking or what she
5 had said, and Cosman said yeah, I can't understand
6 her when she talks all black.

7 Q. You said that Cosman made a statement
8 that he knew the girl. Is that the witness or the
9 interviewee?

10 A. Whoever they were talking about.

11 Q. Okay. But it's the same person as far
12 as you know that he was referring to when he said
13 he can't understand her when she talks all black?

14 A. Yeah. Whoever they were talking about
15 is who he was making reference to.

16 Q. Do you remember specifically, any more
17 specifically what it was that Stevens said about
18 the interviewee being a pain or having numerous
19 contacts with the police?

20 A. No. I just remembered that was part of
21 the conversation and that's all I remember.

22 Q. Do you remember specifically that
23 Deputy Cosman's statement was yeah, I can't
24 understand her when she talks all black?

1 A. It was something to that effect, yes.

2 Q. Do you recall any other conversation
3 after Cosman made that statement?

4 A. No. I don't remember if they kept
5 talking or what, if they walked away.

6 Q. Do you recall anything about their
7 conversation before what you told me?

8 A. No. That's what I remember about that
9 conversation.

10 Q. Was there anything in particular about
11 the conversation that made you start to pay
12 attention to what they were saying?

13 A. No. I was just eavesdropping, I guess.

14 Q. Were there other people in the roll
15 call room or outside the roll call room?

16 A. I think there were other people outside
17 the roll call room, but I do not remember who they
18 were.

19 Q. This would have been sometime around
20 shift change, it sounds like?

21 A. I think so.

22 Q. Can you guesstimate for me how many
23 people were present in the room or outside the
24 door?

1 A. One other person.

2 Q. Do you know the other person -- You
3 don't remember who that was; right?

4 A. I don't remember who it was, where they
5 were, anything.

6 Q. Did you have any conversation with the
7 other person about what you had overheard?

8 A. No.

9 Q. Did you report the conversation that
10 you heard between Cosman and Stevens to anyone
11 prior to your Climate Assessment Questionnaire?

12 A. This happened after the Climate
13 Assessment Questionnaire.

14 Q. Oh, it did. I'm sorry. I know I asked
15 you that.

16 What year was it that that occurred?

17 A. 2007.

18 Q. So did you at some point report to
19 supervisors about the statement prior to your
20 November memo which is Exhibit Number 6?

21 A. No.

22 Q. So Exhibit Number 6 or the conversation
23 that you had with Sergeant Kalenick shortly before
24 drafting Exhibit Number 6 would be the first time

1 it to be --

2 MR. HORWITZ: She's asking you what
3 level.

4 BY THE WITNESS:

5 A. Okay. Not very specific.

6 BY MS. CLIFFE:

7 Q. So you didn't give him -- Did you give
8 him deputy names?

9 A. Eventually.

10 Q. But at that meeting with --

11 A. Hold on. No, I didn't give him deputy
12 names. He gave me names and asked me if that's who
13 I was talking about.

14 Q. During this meeting?

15 A. During the meeting.

16 Q. What were the names he gave you?

17 A. Stevens, Milliman and Jones.

18 Q. Now, prior to the date that you
19 completed the Climate Assessment Questionnaire and
20 had the meeting with Cundiff had you observed
21 anything else that raised a concern about racial
22 profiling or discrimination that we haven't already
23 talked about?

24 MR. HORWITZ: I'm sorry. Could you read

1 that question back, please?

2 (Requested portion

of the record read.)

4 BY THE WITNESS:

5 A. Yes.

6 BY MS. CLIFFE:

7 Q. What would that be?

8 A. Talk amongst deputies, my co-workers
9 and peers that it was peculiar about how certain
10 deputies were able to make an arrest of a Hispanic
11 driver so often as compared to everybody else. I
12 had this conversation with several people.

13 Specifically talked about back then was Jones,
14 Stevens, Muraski, Falb. Also had talks with people
15 about Milliman to an extent. It was usually not
16 about racial profiling but possible civil rights
17 violations.

18 Q. Other than the conversations that you
19 had with other deputies anything that you witnessed
20 individually?

21 A. No, nothing else that I witnessed.

22 Q. As it relates to the deputies that you
23 just listed, Jones, Stevens, Muraski, Falb,
24 Milliman, have you ever had occasion to review

1 are you talking about. I said I don't want to give
2 you names. I don't want to make a big thing of
3 this. I thought you guys should know that I was
4 concerned about it and I wanted to put my name on
5 this thing. I need names. Take this serious. I
6 need names. I said I'll give you names. The third
7 time he finally says who are we talking about,
8 Jones, Milliman, Stevens? My exact words to him
9 was if you know this already I don't have to give
10 you names. He's like, Zane, scuttlebutt talk or
11 something like that, it's not proof. I need proof.
12 I'm not here to give you proof. I think if
13 somebody of your level here would say, you know,
14 show concern about it and tell them to knock it off
15 that that would be sufficient.

16 He said all right. Well, now you're
17 going to go talk to Kathy Seith and go do that then
18 and that was pretty much the whole -- Well, he also
19 asked me -- When he gave the names, I said if you
20 already know this you don't need the names. He's
21 like what do you know, and then I told him. I told
22 him about the incident with Jones outside the
23 apartment complex. I told him about what Stevens
24 had said in Wonder Lake about the black driver and

1 I said -- He said -- Then he specifically asked me,
2 well, what do you know about Milliman. I said I
3 don't really know anything about Milliman. He goes
4 you know nothing. I said, well, no, there's -- The
5 only thing I've ever heard about Milliman was from
6 this kid in Wonder Lake, that he beat him up, and
7 his buddies were talking about it, and I went into
8 that. It was like he was looking for something
9 about Milliman. I said other than that I don't
10 know too much about Milliman. He said okay. Well,
11 go talk to Kathy Seith, and then I left.

12 Q. Did you then go talk to Kathy Seith?

13 A. Yeah, I went and talked with her, and I
14 think Popovits was present too.

15 Q. What's your understanding of Kathy
16 Seith's role or title with the Sheriff's Office?

17 A. She is the Equal Employment officer.

18 Q. Do you have any understanding of what
19 her duties were at that time?

20 A. Well, I thought she was the -- She was
21 a non-deputized officer that is supposed to look
22 out and make sure that it's a, I don't know,
23 however you want to say it. She looks into
24 anything when it comes to sexual harassment, racial